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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/676,269	09/28/2000	Jian J. Chen	LAMIP151	6726

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EXAMINER

ALEJANDRO MULERO, LUZ L

ART UNIT	PAPER NUMBER
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1763

12

DATE MAILED: 02/04/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

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Office Action Summary

Application No.

09/676,269

Applicant(s)

CHEN ET AL.

Examiner

Luz L. Alejandro

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 September 2002.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 and 12-26 is/are pending in the application.
- 4a) Of the above claim(s) 14 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-10, 12-13 and 15-26 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 9. 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 12 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 12 is indefinite since it depends from claim 11 that has been cancelled. Correction is required.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 4-10, and 16-26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Imafuku et al., U.S. Patent 6,074,518 in view of Aruga et al., U.S. Patent 5,456,757.

Imafuku et al. shows the invention substantially as claimed including a plasma confining assembly for minimizing unwanted plasma formations in regions outside of a process region in a plasma chamber 2, comprising: a first confining element 27 positioned proximate the periphery of the process region

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and in an upper portion of the process chamber, and including an exposed conductive surface that is electrically grounded; and a second confining element 47 positioned proximate the periphery of the process region, the second confining element being spaced apart from the first confining element and in a lower portion of the process chamber such that one of the confining elements is disposed in an upper portion of the process chamber and the other confining element is disposed in a lower portion of the process chamber, wherein the first and second confining elements substantially reduce the effects of plasma forming components that pass therebetween (see fig. 11 and its description).

Imafuku et al. further discloses that the second confining element can be conductive and grounded (see col. 11-lines 58-67), but fails to disclose an exposed insulating surface which is configured to at least partially cover the conductive part of the second confining element. Aruga et al. discloses covering a conductive surface with an insulating ceramic in order to protect the conductive surface from attack by the plasma (see col. 5-lines 25-30). In view of this disclosure, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the apparatus of Imafuku et al. so as to cover the second confining element with an insulator as suggested by Aruga et al. because in such a way the conductive portion of the second confining element would not be attacked by the plasma.

With respect to claim 4, the plasma forming components in both Imafuku et al. and Aruga et al. are charged particles or electric fields.

Concerning claims 5-6 and 23, the apparatus of Imafuku et al. modified by Aruga et al. would contain the claimed first and second confining element structure arrangement and therefore the apparatus of Imafuku et al. modified by Aruga et al. would have a first and second confining element arranged to direct charged particles to the exposed conductive surface and sink charged particles therethrough to ground so as to reduce the density of charged particles in regions outside the process region, and the elements would also be arranged to attract electric fields to the grounded conductive surface and the grounded conductive portion, respectively, so as to reduce the electric field strength in regions outside of the processing region. Furthermore, the second confining element is spaced from the first confining element so as to form an open area therebetween that permits by-product gases to pass therethrough from the process region to the regions outside of the process region while substantially preventing charged particles or electric fields from passing therethrough from the process region to the regions outside of the process region.

Regarding claims 8-10, 17, 22, and 25, note that the first confining element is a ring that surrounds an upper electrode and the second confining element is a ring that surrounds a lower electrode, the upper and bottom electrode being arranged for producing an electric field that helps to ignite and sustain the plasma, and the first ring is spaced apart laterally from the chamber wall thus leaving an open area between the first ring and the chamber wall. Also, with respect to claims 9-10, note that rearrangement of parts of an apparatus does not render the apparatus patentable when the rearrangement of parts of the

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apparatus would not have modified the operation of the apparatus (see *In re Japikse*, 181 F.2d 1019, 86 USPQ 70 (CCPA 1950)).

Concerning claims 16 and 21, note that rearrangement of parts has been held to have been obvious (see *In re Japikse*, 181 F.2d 1019, 86 USPQ 70 (CCPA 1950)). Furthermore, the configuration of the claimed exposed insulating surface, and of the first and second rings, is a matter of choice which a person of ordinary skill in the art would have found obvious absent persuasive evidence that the particular configuration of the exposed insulating surface, and of the first and second rings, is significant (*In re Dailey*, 357 F.2d 669, 149 USPQ 47 (CCPA 1966)).

With respect to claim 18, note that the first ring includes an inner ring and an outer ring wherein the inner ring is formed from a dielectric medium and is configured to be disposed between the first electrode and the outer ring, and wherein the outer ring includes the conductive member of the first ring (see fig. 11 especially the dielectric member between ring 27 and electrode 21).

Concerning claim 19, note that Imafuku et al. in fig. 23 shows an insulating member 5a configured to be disposed between the second electrode and the outer ring. In view of this disclosure, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the apparatus of fig. 11 of Imafuku et al. as to further comprise an insulating member disposed between the second electrode and the outer ring as shown in the embodiment of fig. 23 of Imafuku et al. in order to provide appropriate electrical separation between the conductive elements.

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With respect to claim 24, note that the first and second confining elements are located between the process region and the exhaust port (see fig. 11). Furthermore, regarding claim 26, note that the exposed conductive member of the first confining element and the exposed insulating portion of the second confining element each include surfaces that are substantially parallel to one another and that are perpendicular to the boundary between the process region where a plasma is ignited and sustained for processing a workpiece and the regions outside of the process region where the plasma is not desired (see fig. 11).

Claims 12-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Imafuku et al., U.S. Patent 6,074,518 in view of Aruga et al., U.S. Patent 5,456,757 as applied to claims 1, 4-10, and 16-26 above, and further in view of Takaki et al., U.S. Patent 6,279,504 B1 or Nawata et al., U.S. Patent 6,444,087 B2.

Imafuku et al. and Aruga et al. are applied as above but do not expressly disclose wherein the non-exposed conductive core is formed from aluminum and the exposed insulating surface is formed from anodized aluminum.

First, the examiner respectfully contends that aluminum is a well known conductive material and anodized aluminum is a well known insulating material, and both materials are used in a plasma environment. Furthermore, Nawata et al. and Takaki et al. both disclose an aluminum conductor covered by an anodized aluminum insulator (see col. 1-lines 49-54 of Nawata et al. and fig. 10,

col. 17-lines 8-28 of Takaki et al.). In view of this disclosure, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the apparatus of Imafuku et al. modified by Aruga et al. so as to form the second confining element of an aluminum material with an alumina material thereover because both Takaki et al. and Nawata et al. show these materials to be suitable for use in a plasma apparatus.

Claims 2-3 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Imafuku et al., U.S. Patent 6,074,518 in view of Aruga et al., U.S. Patent 5,456,757 as applied to claims 1, 4-10, and 16-26 above, and further in view of Lenz et al., U.S. Patent 5,534,751.

Both Imafuku et al. and Aruga et al. are applied as above but fail to expressly disclose a third confining element formed from an insulating material and disposed between the first confining element and the second confining element, and proximate the periphery of the process region, the third confining element being arranged to physically contain the plasma inside the process region, and to substantially reduce the effects of plasma forming components that pass between the first confining element and the second confining element. Lenz et al. discloses a ring assembly 30 used for plasma confinement and including a stack of circular rings that contain an insulating material of, for example, quartz (see figs. 1-2 and col. 6-lines 16-65). Additionally, note that the ring assembly 30 is configured to physically confine the plasma within the process region while permitting the process gases to pass through passages 31

(see fig. 1 and col. 6-lines 30-35). In view of this disclosure, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the apparatus of Imafuku et al. modified by Aruga et al. so as to contain the plasma confinement element of Lenz et al. in order to confine the plasma in the process region.

Claims 2-3 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Imafuku et al., U.S. Patent 6,074,518 in view of Aruga et al., U.S. Patent 5,456,757 as applied to claims 1, 4-10, and 16-26 above, and further in view of Lenz, U.S. Patent 5,998,932 or Lenz, WO 00/00992.

Both Imafuku et al. and Aruga et al. are applied as above but fail to expressly disclose a third confining element formed from an insulating material and disposed between the first confining element and the second confining element, and proximate the periphery of the process region, the third confining element being arranged to physically contain the plasma inside the process region, and to substantially reduce the effects of plasma forming components that pass between the first confining element and the second confining element. Lenz discloses confinement element used for plasma confinement and including circular rings 102a, 102b that contain an insulating material (see figs. 1-4 and their description, especially col. 1-lines 48-50 of Lenz, U.S. 5,998,932; and paragraph bridging pages 1 and 2 of Lenz WO 00/00992). Additionally, note that the confinement element is configured to physically confine the plasma within the process region while permitting the process gases to pass through passages

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therebetween (see figs. 1-4 of both Lenz U.S. 5,998,932 and Lenz WO 00/00992). In view of these disclosures, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the apparatus of Imafuku et al. modified by Aruga et al. so as to contain the plasma confinement element of Lenz et al. in order to confine the plasma in the process region to improve process control and to ensure repeatability.

Response to Arguments

Applicant's arguments with respect to claims 1-10, 12-13, and 15-26 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will

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the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Luz L. Alejandro whose telephone number is 703-305-4545. The examiner can normally be reached on Monday to Thursday from 7:30 to 6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gregory L. Mills can be reached on 703-308-1633. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9310 for regular communications and 703-872-9311 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0661.



Luz L. Alejandro
Patent Examiner
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January 27, 2003